

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

125

CRM-M-23171-2023

Date of decision: 08.05.2023

SOMVEER SINGH

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Preeti Singh, Advocate
for the petitioner

Mr. Jagdish Manchanda, Addl. AG, Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 21.10.2022, Annexure P-2 and order dated 11.01.2023, Annexure P-3 vide which the petitioner was declared as proclaimed person and quashing of FIR No. 91 dated 10.04.2023 registered under Section 174-A IPC registered at Police Station Bhiwani Civil Lines, District Bhiwani.

2. Learned counsel contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner wherein he was not served and was declared proclaimed person vide order dated 11.01.2023, Annexure P-3. Immediately thereafter, he approached complainant-respondent No. 2 and the matter was amicably settled between them on the basis of a compromise, whereby a statement was also given by the complainant-respondent No. 2 before the Courts below that no dues remain and the complaint was dismissed as withdrawn vide order dated 12.04.2023, Annexure P-5. However, pursuant to the

petitioner having been declared as proclaimed person, an FIR under Section 174-A was registered against him on 10.04.2023. Once the matter in itself stands withdrawn by way of compromise, the continuation of the proceedings of the FIR would be an abuse of process of the Court.

3. Learned State counsel has no objection to the prayer made in view of the compromise.

4. Heard.

5. Admittedly, the parties have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn by the Court on 12.04.2023.

6. In similar set of facts and circumstances in **Microqual Techno Limited and others vs State of Haryana**, 2015(3) R.C.R.(Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555; CRM-M-32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021 and **Murli Jha vs State of Haryana**, 2021(3) R.C.R.(Criminal)563, this Court quashed the proceedings initiated under Section 174-A IPC by observing that, “I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue.”

7. In view of the aforesaid facts and circumstances of the case and the decisions referred to hereinabove, this Court finds that the continuation of

proceedings against the petitioner pursuant to FIR in question, would be an abuse of process of law. Accordingly, the present petition is allowed and order dated 21.10.2022, Anenxure P-2 and order dated 11.01.2023, Annexure P-3 are hereby set aside and FIR No. 91 dated 10.04.2023 registered under Section 174-A IPC registered at Police Station Bhiwani Civil Lines, District Bhiwani, is quashed.

(AMAN CHAUDHARY)
JUDGE

08.05.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No